

BOHOBLU, LLC,

Plaintiff,

v.

BLUBOHO INC., et. al.,

Defendants.

THIS MATTER is before the Court on Plaintiff’s “Motion to Dismiss Count III and Count IV of Defendants’ Counterclaims” (Doc. No. 32) filed May 16, 2024. Defendants filed their “Amended Counterclaims” (Doc. No. 34) on May 24, 2024.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within 21 days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given “when justice so requires.” Fed. R. Civ. P. 15(a)(2).

Defendants filed their Amended Counterclaims within 21 days following receipt of Plaintiff's Motion to Dismiss. Accordingly, the amendment is as a matter of course. Fed. R. Civ. P. 15(a)(1)(B).

It is well-settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Hall v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., No. 3:10-CV-418-RJC-DSC, 2011 WL 4014315, at *1 (W.D.N.C. June 21, 2011); Young v. City of Mount Ranier, 238 F.3d 567, 572-73 (4th Cir. 2001); Branch Banking & Tr. Co. v. Meridian Holding Co., LLC, No. CV 3:18-0486, 2019 WL 454602, at *2 (S.D.W. Va. Feb. 5, 2019) (granting Motion to Amend Counterclaims and mooting Motion to Dismiss initial Counterclaim).

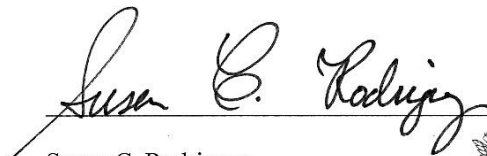
The Court makes no determination as to the merits of any of Defendants' counterclaims and all objections and defenses raised by Plaintiff in its initial Motion are preserved.

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Motion to Dismiss Count III And Count IV of Defendants' Counterclaims" (Doc. No. 32) is administratively **DENIED** as moot without prejudice.
2. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Robert J. Conrad, Jr..

SO ORDERED.

Signed: June 10, 2024


Susan C. Rodriguez
United States Magistrate Judge

